

ATTACHMENT - REMARKS

Claims 1-3 and 5-12 are pending in the present application. By this Amendment, Applicant has amended claims 1 and 8. Applicant respectfully submits that the present application is in condition for allowance based on the discussion which follows.

Applicant acknowledges a guideline for suggested subject headings for the specification. However, due to the expense to amend the specification to include the suggested subject headings, Applicant declines to amend the present specification.

Claims 8 and 9 were rejected under 35 U.S.C. § 112, second paragraph, with regard to a lack of antecedent basis for the term "coffee cartridge" recited in claim 8. By this Amendment, Applicant has amended claim 8 to provide antecedent basis for the coffee cartridge thereby obviating the rejection to claim 8 under 35 U.S.C. § 112, second paragraph.

Claims 1, 5-8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Illy in view of Perlman et al. (hereinafter "Perlman"). However, claims 3, 4, 11, and 12 were indicated as being allowable. By this Amendment, in accordance with the allowable subject matter indicated in claims 2 and 3, Applicant has amended claim 1 to incorporate what is believed to be the allowable subject matter indicated as recited in claims 2 and 3. In particular, claim 1 has been amended to now more clearly recite that the median plane of coupling of the hot water supply with the filter holder means is inclined at an angle from 0° to 30° with respect to a longitudinal axis of the machine. Applicant respectfully submits that it will be clear that upon examination of claims 2 and 3 that the now recited coupling inclination is in accordance with the subject matter recited in claims 2 and 3. Therefore, the amendment to claim 1

does not raise new issues for further consideration as the subject matter was previously considered when examining allowable claims 2 and 3. Accordingly, the amendment to claim 1 is appropriate for entry in this Amendment After Final Rejection.

Furthermore, Applicant respectfully submits that as now amended, claim 1 more clearly defines and provides for one feature of the present machine, namely that insertion and removal of a cartridge from a hatch in an espresso machine having the claimed inclination provides for enhanced ease of use over a machine which does not have the claimed inclination such as the one described in Perlman.

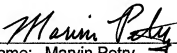
Based on the foregoing, Applicant respectfully requests that the rejection to claims 1, 5-8 and 10 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance.

Respectfully submitted,

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Signed By
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